

## Joseph Kirk

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**From:** Joseph Kirk <kirkj@bartowga.org>  
**Sent:** Friday, March 8, 2019 12:09 PM  
**To:** 'Sara Ghazal'  
**Subject:** RE: greetings and quick question

Sara,

I'm glad you brought up software licensing because I was thinking about that quite a bit after looking at the contract you sent me. Again this is simply speculation, but I think that we aren't getting clear answers because like everything else nobody actually knows the numbers until the RFPs come back. Ultimately it will be up to the Secretary of State to negotiate us a good deal, and whatever vendor is chosen will fight hard to have some sort of residual income from Georgia. If I were in Secretary Raffensperger's shoes I would specify that we wanted to pay for all the software licensing up front, and pay for any upgrades as we need them and only when we need them – but luckily for me I'm not in his shoes.

I have loosely followed the under vote discussion, and unfortunately I still do not have an answer beyond anything we have discussed in the past. I am not very familiar with the ExpressVote system, but I suspect that the option you took a screenshot of deals with instances where there are so many candidates in a race that they cannot all be displayed on one screen. To my knowledge our system never breaks up races between screens – but it's been a while since I have programmed databases so I might be wrong about that. Either way I went ahead and double checked the server and I don't see any options in there that deal with candidates not being displayed. I'm going to keep thinking about it and I'll let you know if I come up with anything. Just out of curiosity did any of my neighboring counties have a particularly high under vote rate? Also, please keep in mind that in GEMS race options are set on a county level so they can't possibly only affect a fraction of the precincts in a county.

I hope you have a great weekend, and I look forward to hearing from you soon.

## Joseph Kirk

*Bartow County Elections Supervisor*

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-Joseph

**From:** Sara Ghazal <saratg@georgiademocrat.org>  
**Sent:** Wednesday, March 6, 2019 3:43 PM  
**To:** Joseph Kirk <kirkj@bartowga.org>  
**Subject:** Re: greetings and quick question

Thank you so much for your response, Joseph--it reconfirmed my instincts in asking you for your thoughts. I appreciate you putting in the time to go through those numbers, and I hope that other counties are likewise reticent to hand over the operations of our elections to vendors, whose interests may not align with those of the county.



Jeanne Dufort gave another presentation last night and said that Georgia's proposal also included yearly software license fees. I have not seen that in publicly available documents, so I do not know where that is coming from--but it is also a concern. Any time a politician (of any stripe) fails to give a clear answer, I worry--and Rep. Fleming's response that the initial outlay would cover expenses "to a certain extent" is not enough information, in my mind.

I do not know whether you have followed the discussion of the residual votes in the Lt. Governor's race--I recall showing you some initial graphs when we first met in Macon--but Bartow county is the only one that does not show an anomalous drop-off. Something in the Michigan contract had me wondering whether the same controls are available on the current DREs. I am attaching a screenshot of what looks to be a screenshot of their set-up controls. There is a control that toggles the setting on the machines whether or not to alert voters whether all contest choices are displayed. Is this a choice on current DREs? And if so, who sets that programming? Can you find that on the GEMS server? I ask because we received numerous calls on our hotline from voters claiming that they did not see Amico as an option. I was wondering if it could be something as simple as machines programmed not to alert voters that there is another choice, and that the ballot design may have dropped the race or one candidate from the screen. This of course begs other questions, but at least the "how" could be answered.

Thank you again for your response. I appreciate our dialogue deeply.

Warm regards,  
Sara

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On Wed, Mar 6, 2019 at 2:15 PM Joseph Kirk <[kirkj@bartowga.org](mailto:kirkj@bartowga.org)> wrote:

Sara,

It was great speaking with you yesterday, and I really appreciate you sending me that contract. I haven't looked at the entire document, but I did carefully examine the cost table that begins on page 118. Before I continue, I feel like I



should point out that we have no idea what the true costs of the system will be until the RFP comes back to the Secretary of State's Office from each vendor. Everything I'm about to say is simply speculation.

Let me address the maintenance agreements first. You're right that those are pricey and that's why I haven't had one with our current vendor since about 2008. I found that I wasn't sending voting machines in for repair very often and as such the maintenance agreement didn't make any sense for my county. There is an intergovernmental agreement with the Secretary of State's Office that requires us to keep state owned equipment in good repair, and I expect that there will be a similar agreement when we get our new system; however we can honor that agreement by replacing the state owned machines with additional units that the county purchases so I simply keep enough money in my budget to replace a few machines each year if they break. Usually that money goes back into the general fund at the end of each budget year. I fully expect that the state's contract will include at least four years of a maintenance agreement for each county, and after that it will be up to each county to decide if they want to continue it or not. According to the 250 voters per unit formula that is set out in HB 316, I'll be getting around 240 BMDs which will cost around \$42,000 per year for the maintenance agreement. I really doubt that I'll need to repair 15 BMDs per year ( $\$42,000/\$2,697$ ), so I don't think that I'll be opting into that agreement on the county dime. Also, I'll fight any effort from the state to force us to maintain that agreement beyond what is in place right now.

As far as the other proprietary equipment goes (such as the thumb drives you mentioned), that is simply a cost we will have to bear no matter what system is chosen. I think one of the reasons that Diebold got out of elections was that they were making money on initial purchases but not necessarily on long time customers – not in the amounts that they needed to to stay afloat and to justify the amount of flack they were taking over their election products. So, I think that every vendor will have something in there to keep us spending money whether it's a thumb drive, a special cable, or some sort of proprietary paper – they're going to have a long term plan in place. My hope is that other election vendors will start selling products that we'll be able to use instead of the vendor supplied products at a competitive price. I'm not sure if I've addressed your concern there or not, so if I didn't please let me know.

But, you brought something else up in your email that I would like to address. I don't trust vendors. It's nothing personal and I've never had any reason to believe that any of them are trying to do anything nefarious, but I don't think I'm doing my job right if I let them around my equipment. That includes their service techs and any equipment that is coming straight from them. The equipment (including thumb drives) will need to be tested by the state to ensure that anything on there is correct and with the newer technology this will include a hash code verification that will catch any change from the expected software on the bit level. And I will never ever let a vendor technician touch any piece of my voting system. When the state used to send them out to me for free, I would tell them to bring a book because they weren't allowed to do anything besides run errands for me. Not every county does it that way, but I urge all the counties I deal with to follow that model.

The last thing I wanted to point out is that this contract clearly shows the difference in the per voter cost between BMDs and hand marked paper ballots that are printed on demand (at least from the standpoint of one vendor). If we assume an 14" ballot (which will hopefully account for the change in ballot size between elections), then it will cost \$0.355 more per voter to use a hand marked paper ballot that is printed on demand. The pre-election testing and transportation costs are fairly negligible because I have an in house staff person who test our equipment for us. If we don't include her salary (because she is going to get paid either way), then it cost me between \$0.00 and \$15.00 per unit for the entire year of 2018 to prepare the DREs for use. If we do include her salary then the estimate rises to

between \$6.00 and \$40.00 per unit for the entire year (and very large year at that). This means that our cost to prepare the DREs during 2018 was less than \$10,000.

I do acknowledge that there are some counties out there that seem to prefer to spend tons of money with the vendors rather than doing the work themselves – and in some cases they may have a good reason for doing so. But many of us have found ways to keep our costs low with our current system and we will continue to be fiscally responsible as we move forward no matter what system the Secretary of State chooses.

If you have any follow up thoughts or questions, please let me know.

Thanks,

**Joseph Kirk**

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**From:** Sara Ghazal <[saratg@georgiademocrat.org](mailto:saratg@georgiademocrat.org)>

**Sent:** Tuesday, March 5, 2019 2:24 PM

**To:** Joseph Kirk <[kirkj@bartowga.org](mailto:kirkj@bartowga.org)>

**Subject:** Re: greetings and quick question

Dear Joseph,

I keep meaning to try to catch you at the capital, but it is usually a real crush there. I appreciate your emphasis on audits in your comments. I do not know if you have seen the substitute bill, but they have added language in there that defines audits as consisting of a manual examination of the paper ballots.

Perhaps I am a masochist, but I have been reviewing other contracts for similar equipment, as I remain concerned over costs to the counties of the BMDs. I recall you were wondering where some of the numbers that one commenter offered came from. This contract here between ES&S and the state of Michigan cites a cost of \$175/year per unit for extended maintenance, and there are many proprietary components as well (including rewritable pre-programmed thumb drives at more than \$100/unit--and that is a huge security risk). I suspect that Georgia would be able to negotiate a more favorable rate across the board here because we would be purchasing them for universal use, while this Michigan contract only uses BMDs as accessible devices.

I would very much appreciate your view on some of these numbers, and whether they would create a real burden on the counties. I will not share your comments with anyone--they are for my own evaluation. They may affect what advice I give to some of our lawmakers, but whatever you send to me I will keep in confidence.

[https://www.michigan.gov/documents/sos/071B7700120\\_ESS\\_Contract\\_555359\\_7.pdf](https://www.michigan.gov/documents/sos/071B7700120_ESS_Contract_555359_7.pdf)

Hope to catch up with you soon.

Best regards,

Sara

Sara Tindall Ghazal

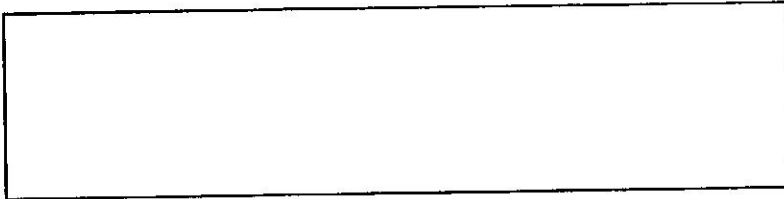
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On Tue, Jan 22, 2019 at 2:57 PM Joseph Kirk <[kirkj@bartowga.org](mailto:kirkj@bartowga.org)> wrote:

Sara,

It's good to hear from you. I'm doing well and I hope you are too. I am also sorry that we didn't get to speak at the last commission meeting, but I hope that I'll see you at the capital as this process moves forward. I realize that we will never completely agree on all the issues that face us as we transition to a new voting system, but I do think that we will have a much better process in place at the end of this procurement process if everyone can work together rather than against each other. I appreciate the fact that you have done so much to educate yourself on the complex issues surrounding voting systems and that you are now helping to pass that knowledge along to the legislature. If there is anything I can do to help with that please don't hesitate to reach out to me.

Unisyn is represented in Georgia by Adkins Election Services. Mark Carter is the account manager that I've dealt with in the past and his phone number is (720) 273-9166. If you can't get ahold of him let me know and I'll see if I can get him to call you.

I don't have any contacts at Clear Ballot or Robis Elections. However, Robis Elections put Jon Krier as their contact on their RFI listing the phone number with the phone number (630) 752-0220. Do you have Garland Favorito's information? I bet he has a contact with Clear Ballot.

Also, I'm looking forward to seeing what you have in regards to Bartow County but there is not rush. I think we are all focused on what is happening below the gold dome at the moment and my next election isn't until November.



Again, I hope you are doing well and if there is anything else I can do please don't hesitate to let me know.

Thanks,

**Joseph Kirk**

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**From:** Sara Ghazal <[saratg@georgiademocrat.org](mailto:saratg@georgiademocrat.org)>

**Sent:** Tuesday, January 22, 2019 12:16 PM

**To:** [kirkj@bartowga.org](mailto:kirkj@bartowga.org)

**Subject:** greetings and quick question

Dear Joseph,

I hope this email finds you well. I am sorry that I did not have a chance to speak with you at the last Commission meeting. Mike Jablonski shared with me the email that you had sent to the commission members--I thought it was very well articulated. While I disagree with the recommendations on BMDs, I certainly understand the reasoning for it. The issue is more complicated than either side would have their supporters believe, and it is unfortunate that this, like so many other issues, has become so polarizing as to drown out legitimate discussion. I agree strongly that a robust, manual audit is critical, no matter what system the state eventually settles on.

Further to this precise issue, I am working with Rep. Roger Bruce to support his efforts to get the Democratic members of the state house and senate more engaged and informed on these issues. Rep. Bruce is organizing a hearing of sorts for Democratic members, and is inviting vendors to provide demonstrations of their offerings. The meeting will take place on Wednesday, January 30. I have already reached out to Dominion, ES&S, Smartmatic, and Hart Intercivic. I do not have any contact information, however, for Clear Ballot, Robis Elections, or Unisys. Do you happen to have names or contact information for the Georgia sales persons that you might share? I would be grateful if you could pass that along.

I have not forgotten my promise to share with you relevant reports from voters and poll watchers from Bartow County. This will be high on my list, once we have completed this event next week for our legislators. I hope we can provide something useful for you and your poll workers.

Best regards,  
Sara

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